

# Calling foul on Supreme contributions



Outgoing Washington state Chief Justice Gerry L. Alexander swears in Justice Barbara A. Madsen as his replacement in 2010. Madsen is up for reelection this year, and her challenger has won big money from charter school supporters. **Steve Bloom** - The Olympian file photo

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Imagine a world where football referees are elected. If they want to wear the black-and-white stripes, they'd first have to weather an election campaign and win our votes.

The idea is unthinkable. Football is a brutal game, but it's safeguarded by regulations that keep its integrity intact. Channeling vast sums of money into a referee's campaign would call into question every close call not subject to reversal on instant replay.

We would never trust officials if their campaigns were financed by vested interests — say, Robert Kraft, CEO of the Kraft Group and owner of the New England Patriots.

Yet this is how judges are selected for the Washington State Supreme Court.

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The nine justices must have impeccable knowledge of laws and interpretations of laws, but they also have to earn our votes. Buying print ads and expensive television spots is part of the game.

Washington is one of 22 states that select judges by public election, a system that allows for big-money influence.

This year, three justices are up for re-election. Cue the special interest groups — specifically, the charter school advocacy group Stand for Children Washington — to dump money into expensive judicial campaigns.

According to the state Public Disclosure Commission, Stand for Children recently spent \$86,000 on digital ad buys and another \$30,000 on phone calls for candidate Greg Zempel, the Kittitas County prosecutor who's attempting to unseat Justice Barbara Madsen.

That's more money than any single group has poured into a state Supreme Court race since 2010.

Madsen authored last year's 6-3 high court ruling declaring the publicly funded, privately operated charter schools unconstitutional, a decision that overturned a 2012 voter initiative to allow 40 public charter schools to open over five years.

At the time of the court's decision, more than 1,000 students were attending charter schools. In March, the Legislature came to their rescue by funding the schools using lottery revenue — great news for local students who attend three Tacoma charter campuses. Gov. Jay Inslee allowed the bill to become law without his signature.

But the war is not over. The state teachers union has promised to challenge the new law.

On the other side, billionaire school reformers have not only jumped on the pro-charter bandwagon, they are driving the bus. By the time the pro-charter initiative hit the ballot four years ago, the campaign in favor of it raised more than \$12 million. Almost 70 percent of the money came from just six donors.

The anti-charter groups, by contrast, raised just over \$727,400.

Philanthropists like Connie Ballmer, wife of former Microsoft CEO Steve Ballmer, are happy to spend their personal wealth to fund PACS such as Stand for Children, which in turn fund the campaigns of people like Zempel, a pro-charter candidate.

The state teachers union also plays this unseemly game. The Washington Education Association has contributed \$2,000 thus far to each of the three justices up for re-election. Never mind that the WEA was a plaintiff before the Supreme Court in both the McCleary and the charter school cases.

In this war by proxy, the WEA is getting outgunned, but donations of any amount from any special interest group will call into question a judge's impartiality on any close call.

Bankrolling high court candidates tears at the integrity of a judicial system that's supposed to be impartial. This practice would be completely out of bounds for football, but it's somehow acceptable for democracy.

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